

# Notice of Allowability

Application No.

10/075,397

Examiner

Courtney D. Fields

Applicant(s)

TAGASHIRA ET AL.

Art Unit

2137

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08 December 2005.
2. ☒ The allowed claim(s) is/are 19-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-18 have been cancelled.
2. Claims 19-28 have been added.
3. Claims 19-28 are pending.

### *Response to Arguments*

4. Applicant's arguments filed 08 December 2005 have been fully considered and they are persuasive.

### *Allowable Subject Matter*

5. **Claims 19-28** are allowed.
6. The following is an examiner's statement of reasons for allowance: The present invention is directed toward a information processing method and system for controlling the utilization of digital content within an electronic watermark. Each independent claim identifies the uniquely distinct features "**adding a sampling program to a digital content, the sampling program being automatically activated to sample information embedded as an electronic watermark in the digital content**". The closest prior art, Kori et al. (US Patent No. 6,687,802) discloses a recording apparatus for recording data onto a recording medium including an identification data detection section for detecting identification data for identification of data from the data, a copying count data detection section for detecting copying count data for limiting the number of times of copying the data from the data, and a recording control section for controlling recording of the data onto the recording medium based on the identification data detected by the identification data detection section and the copying count data

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detected by the copying count data detection section, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

The closest prior art, Osaka (US Patent No. 6,771,794) discloses an electronic watermark generating method, apparatus, and a memory medium storing an electronic watermark generating program. The electronic watermark or a digital watermark is applicable to multimedia data consisting of image data, moving image data, audio data or a combination thereof or to an output print of such data and adapted to transmit a concealed signal for indicating the copyright of the author, detecting the violation of the copyright by tampering of the copyright work, and verifying the authenticity of such copyright work or the print thereof, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

7. Therefore, **claims 19-28** are in condition for allowance.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdf  
February 28, 2006

*Matthew D. Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2137*